

STATE OF WASHINGTON



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

Darrell J. Kugler,

Licensee.

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No. D 05- 300

ORDER REVOKING LICENSE

To: Darrell J. Kugler
11105 Sunrise Place NW
Gig Harbor, WA 98332

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your license is REVOKED, effective May 22, 2005, pursuant to RCW 48.17.530 and 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING GROUNDS:

1. In your application, dated April 19, 2004, for an agent's license you answered "no" to the question "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" In fact you were convicted, on or about July 31, 2002, for "Malicious Mischief 2" a Class "C" Felony. This false statement shows you to be untrustworthy and not qualified for a license, within the meaning of RCW 48.17.070.
2. The Commissioner sent you written inquiries, to the address on record with the Office of Insurance Commissioner (OIC), on December 22, 2004 and January 25, 2005. These inquiries related to the business of insurance. You did not respond to either of them. Each such failure to respond promptly in writing violated RCW 48.17.475.
3. In an effort to get your response, OIC Investigator, Cheryl Penn sent you a final letter dated February 22, 2005. Ms. Penn sent a copy to your employer's address and received a phone call from you. During the phone conversation you advised Ms. Penn that you had not received the previous letters because you had moved. Not promptly notifying the commissioner of your change of residential address is a violation of RCW 48.17.450 (2).
4. The false statement on the application violates RCW 48.17.090 (3) and shows you to be untrustworthy or incompetent or a source of injury and loss to the public and not qualified for a license, within the meaning of RCW 48.17.070. It is also grounds for revocation under RCW 48.17.530(1) (a), (c), (g), and (h).

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IT IS FURTHER ORDERED that you return your insurance agent's license certificate or certificates to the Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4).

NOTICE CONCERNING YOUR RIGHT TO A HEARING. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

Please send any demand for hearing to Insurance Commissioner, attn John F. Hamje, Deputy Insurance Commissioner, Consumer Protection Division, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ENTERED AT TUMWATER, WASHINGTON, this 2nd day of May, 2005

MIKE KREIDLER
Insurance Commissioner

By

JOHN F. HAMJE
Deputy Insurance Commissioner
Consumer Protection Division

Investigator: Cheryl Penn